



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

OCT 11 2011

Ms. L'Oreal Stepney, P.E., Deputy Director  
Office of Water (MC-122)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Approval of Site-specific Water Quality Criteria – Cantrell Slough (tributary to segment 0823 – Lake Lewisville)

Dear Ms. Stepney:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of site-specific copper criteria for a portion of Cantrell Slough in Denton County. Cantrell Slough is a tributary to segment 0823 – Lake Lewisville.

As required by 40 CFR §131.20, the request was originally submitted to EPA for review and approval by letter dated November 24, 2009. In response to the original request, EPA informed the TCEQ, by letter dated May 11, 2010, that site-specific criteria for copper are technically-approvable. However, EPA could not take a formal approval action under the Clean Water Act at that time, as the public participation requirements found at 40 CFR Part 25 had not been fulfilled for the site-specific water quality standards revision. TCEQ recently completed these public participation requirements through the public notice on the proposed permit for the Upper Trinity Regional Water District's Texas Pollutant Discharge Elimination System Permit #14323 (NPDES TX0124745). No comments were received on the site-specific copper criteria.

Based on the water effect ratio (WER) study performed, the 2000 TX WQS statewide criteria for dissolved copper, and the resulting WER of 6.43, site-specific criteria of 125.2 ug/L (acute) and 83 ug/L (chronic) have been demonstrated as appropriate to protect aquatic life and are approved for CWA purposes. The site-specific criteria only apply at the edge of the mixing zone for from Outfall 001 and will be incorporated into Appendix E of the *Texas Surface Water Quality Standards* at the time of the next triennial revision. The statewide criteria in Table 1 of the *Texas Surface Water Quality Standards* apply to the remaining areas of Cantrell Slough and Lake Lewisville. The presumed limited aquatic life use for Cantrell Slough and the designated high aquatic life use for Lake Lewisville have not been revised.

Section 7 of the Endangered Species Act states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA is approving the site-

specific copper criteria subject to the outcome of consultation with the U.S. Fish and Wildlife Service under §7(a)(2) of the Endangered Species Act.

If you should have any questions, please call me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "Miguel I. Flores".

Miguel I. Flores

Director

Water Quality Protection Division

cc: Debbie Miller, TCEQ - Water Quality Standards Group (MC-234)  
Mike Pfeil, TCEQ – Water Quality Assessment Section (MC-150)  
Julian Centano, TCEQ – Wastewater Permitting Section (MC-148)